

ORIGINAL

BTXN 100 (rev. 10/02)

UNITED STATES BANKRUPTCY COURT
NORTHERN DISTRICT OF TEXAS

In Re:

LJM2 Co-Investment, L.P.

Debtor(s)

Merrill Lynch & Co., Inc., Credit Suisse First Boston
Global Impaired Asset Management, Credit Suisse First
Boston, Inc.; DLJ Fund Investment Partners III, LP;
Dresdner Bank AG, Dresdner Kleinwort Holdings, Inc.;
First Union Investors, Inc. nka Wachovia Investors,
Inc.; First Union National Bank nka Wachovia Bank,
Ironwood Investment Partners, LLC; ML-LJM2
Co-Investment, LP; Merchant Capital, Inc.; Merrill
Lynch Capital Corp., Merrill Lynch Capital Services,
Inc.; Merrill Lynch Pierce Fenner and Smith, Royal
Bank of Canada, Royal Bank of Scotland PLC and ML
IBK Positions, Inc.

Appellant(s)

vs.

State of Arkansas Teacher Retirement System,
Acquisition Fund Four L.P., AIG Private Equity
Portfolio, LP, Alpine Investment Partners, American
Home Assurance Company, AON Pension Plan, Robert
Basham, C&I Partners, Conese Family Investments, LP,
Eugene Conese, Sr., CRM 1999 Enterprise Fund, LLC,
Fort Washington Private Equity Investors II, L.P.,
Freidenrich Family Partnership LP, Freidenrich
Twenty-Fifty Ltd., David Greenberg, Gordon
Hargraves, Margaret Hargraves, Institute for Advanced
Study, John D. and Catherine T. MacArthur Foundation,
Lakeview Direct Investments, LP, Shelby White,
Executrix of the Estate of Leon Levy, Mousseteek Free,
Jack Nash, Joshua Nash, Nash Family Partnership, LP,
RHO Fund Investors II, LLC, George Rohr, Sun
America Investments, Inc., Thomas Elden Investment
Trust, and The Weyerhaeuser Company Master
Retirement Trust

Appellee(s)

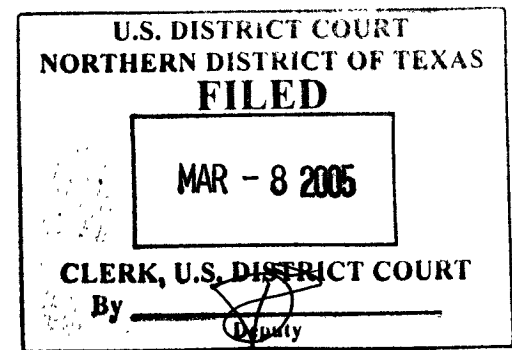
Case No.: 02-38335-saf11

Chapter No.: 11

305 CV 0472 - G

Adversary No.: 04-03525-saf

Civil Action No.:

**TRANSMITTAL AND CERTIFICATION OF RECORD ON APPEAL**

Pursuant to Federal Rules of Bankruptcy Procedure 8007, the appeal filed on January 21, 2005 regarding [94] Memorandum opinion and Order Entered on 1/14/2005 by Merrill Lynch & Co., Inc., Credit Suisse First Boston Global Impaired Asset Management, Credit Suisse First Boston, Inc.; DLJ Fund Investment Partners III, LP; Dresdner Bank AG, Dresdner Kleinwort Holdings, Inc.; First Union Investors, Inc. nka Wachovia Investors, Inc.; First Union National Bank nka Wachovia Bank, Ironwood Investment Partners, LLC; ML-LJM2 Co-Investment, LP; Merchant Capital, Inc.; Merrill Lynch Capital Corp., Merrill Lynch Capital Services, Inc.; Merrill Lynch Pierce Fenner and Smith, Royal Bank of Canada, Royal Bank of Scotland PLC and ML IBK Positions, Inc. in the above styled bankruptcy case is hereby transmitted to the U.S. District Court for the Northern District of Texas.

This record on appeal contains all items listed on the attached index, but is not in compliance with Rule 8006 of the Federal Rules of Bankruptcy Procedure and is **deficient** for the following reason(s):

- ☐ Appeal not timely filed.
- ☐ Appeal filing fee not paid.
- ☐ Appellant(s) failed to file designation of the record.

- ☐ Appellant(s)/Appellee(s) failed to provide or prepay for the items designated.
- ☒ The appealed order was filed in Adversary Proceeding 04-3525. It was NOT filed in Adversary Proceeding 04-3511. Adversary proceedings 04-3525 and 04-3511 are not consolidated or jointly administered proceedings. Therefore, Appellant's designated documents 16-31, Volumes 8-22, pp. 1500-5170, are not part of the official bankruptcy record for the adversary proceeding in which the appealed order was filed. Volume 8, Tabs 13, 14 and 15, pp. 1617, 1668, and 1685: Transcripts have not been filed with the court. 04-3511: Volume 10, Tab 17, p. 2020: Joinder includes pages 8 & 9 which are not filed with this court. Volume 13, Tab 18, Tab I: p. 2764 is an incorrect page. Volume 15, Tab 16, exhibits R and S, pp. 3256 and 3265, are duplicates of R and S, pp. 3202 and 3211. Volume 22, Tab 29, p. 4996: Missing exhibit D. Volume 23, Tab 30, p. 5166: Duplicate of Volume 14, Tab 20, p. 3015.

All further pleadings or inquiries regarding this matter should be directed to the U.S. District Clerk's Office until such time as the appeal is fully processed in the U.S. District Court.

The above referenced record was delivered to the U.S. District Clerk's Office on March 8, 2005.

DATED: 3/8/05

FOR THE COURT:
Tawana C. Marshall, Clerk of Court

by: /s/M. McVey, Deputy Clerk

I hereby certify that the foregoing is a true copy of the original thereof now in my office this the 8th day of March 2005 at Dallas, Texas
Tawana C. Marshall, Clerk
United States Bankruptcy Court
Northern District of Texas

By [Signature] Deputy

BTXN 116 (rev. 09/04)

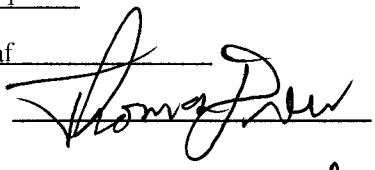
UNITED STATES BANKRUPTCY COURT
NORTHERN DISTRICT OF TEXAS

APPEAL SERVICE LIST

Transmission of the Record

BK Case No.: 02-38335-saf11

Adversary No.: 04-03525-saf

Received in District Court by: 

Date: 03/08/05

Volume Number(s): 24 + 1 mini-record to judge

cc: Steven A. Felsenthal
Chris Lalan, Law Clerk

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US Trustee

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CIVIL COVER SHEET

305 CV 0472-G

The JS 44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet

I. (a) **APPELLANT**
Merrill Lynch & Co., Inc., et al See attached list.

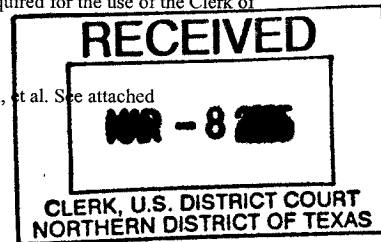
APPELLEE
State of Arkansas Teacher Retirement System, et al. See attached list

(b) County of Residence of First Listed Party:
(EXCEPT IN U.S. PLAINTIFF CASES)

County of Residence of First Listed Party
(IN U.S. PLAINTIFF CASES ONLY)

(c) Attorney's (Firm Name, Address, and Telephone Number)
See attached list

Attorney's (If Known)
See attached list.



II. BASIS OF JURISDICTION

- ☒ 1 U.S. Government Plaintiff ☐ 2 U.S. Government Defendant ☒ 3 Federal Question (U.S. Government Not a Party) ☐ 4 Diversity (Indicate Citizenship of Parties in Item III)

III. CITIZENSHIP OF PRINCIPAL PARTIES

- | | | | | | |
|---|-------------------------|-------------------------|--|-------------------------|-------------------------|
| Citizen of This State | <input type="radio"/> 1 | <input type="radio"/> 1 | Incorporated <i>or</i> Principal Place of Business In This State | <input type="radio"/> 4 | <input type="radio"/> 4 |
| Citizen of Another State | <input type="radio"/> 2 | <input type="radio"/> 2 | Incorporated <i>and</i> Principal Place of Business In Another State | <input type="radio"/> 5 | <input type="radio"/> 5 |
| Citizen or Subject of a Foreign Country | <input type="radio"/> 3 | <input type="radio"/> 3 | Foreign Nation | <input type="radio"/> 6 | <input type="radio"/> 6 |

IV. NATURE OF SUIT

- ☒ 422 Appeal 28 USC 158 ☐ 423 Withdrawal 28 USC 157 ☐ 890 Other Statutory Actions

V. ORIGIN

- ☒ 1 Original Proceeding ☐ 2 Removed from State Court ☐ 3 Remanded from Appellate Court ☐ 4 Reinstated or Reopened
☐ 5 Transferred from another district ☐ 6 Multidistrict Litigation ☐ 7 Appeal to District Judge from Magistrate Judgment

VI. CAUSE OF ACTION

Cite the U.S. Civil Statute under which you are filing (**Do not cite jurisdictional statutes unless diversity**):
28 USC 158

Brief description of cause
Appeal of bankruptcy order

VII. REQUESTED IN COMPLAINT:

- ☐ CHECK IF THIS IS A CLASS ACTION UNDER F.R.C.P. 23 DEMAND \$ CHECK YES only if demanded in complaint:
JURY DEMAND: ☐ Yes ☐ No

VIII. RELATED CASE(S) IF ANY
Judge:

Docket Number:

DATED: 3/8/05

FOR THE COURT:
Tawana C. Marshall, Clerk of Court
by: /s/M. McVey, Deputy Clerk

Appeals Information Sheet

Debtor	LJM2 Co-Investment, L.P.
BK Case	02-38335-SAF-11
Adversary	04-03525
Order	[94] Memorandum opinion and Order Entered on 1/14/2005

Appellant(s) **Merrill Lynch & Co., Inc., Credit Suisse First Boston Global Impaired Asset Management, Credit Suisse First Boston, Inc.; DLJ Fund Investment Partners III, LP; Dresdner Bank AG, Dresdner Kleinwort Holdings, Inc.; First Union Investors, Inc. nka Wachovia Investors, Inc., First Union National Bank nka Wachovia Bank, Ironwood Investment Partners, LLC; ML-LJM2 Co-Investment, LP; Merchant Capital, Inc.; Merrill Lynch Capital Corp., Merrill Lynch Capital Services, Inc.; Merrill Lynch Pierce Fenner and Smith, Royal Bank of Canada, Royal Bank of Scotland PLC and ML IBK Positions, Inc.**

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